

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SMT. JUSTICE T. RAJANI

I.A. No.2 OF 2018

IN/AND

WRIT APPEAL No.1251 OF 2018

COMMON JUDGMENT (ORAL): (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

This Writ Appeal stands with an application seeking leave to appeal. It is instituted by persons who claim to be members of respondent No.1, a co-operative society which instituted W.P. No.33548 of 2018, from which this appeal arises.

2. Under challenge is an interim order issued by the learned single Judge during the course of afore-noted writ petition on 18.09.2018. That application (I.A. No.1 of 2018) has been ordered by the learned single Judge directing interim suspension of the order impugned in the writ petition which is Ex.P-1 therein.

3. Hearing the learned senior counsel Sri Vedula Venkataramana appearing for Sri K. Ravi Mahender, learned counsel for the appellants, and the learned counsel for contesting respondent No.1 - writ petitioner, we see that if Ex.P-1 is carried and meeting is held, that would create a way to discuss the matter which is enlisted in Serial No.1 in Ex.P-1 and also to discuss the so-called loss of confidence in the present managing committee.

4. We record the submissions on behalf of the appellants that the question of No Confidence motion comes only in relation to President and Vice President of a Co-operative Society. However, if there is an omnibus No Confidence pushed through in one go, as against the entire managing committee, that may create more confusion for a democratic institution like a Co-operative Society.

5. Ex.P-1 notice issued by the Joint Registrar is generated on the basis of a representation made to the Government by placing it before the Minister concerned and having routed through the Registrar of Co-operative Societies to the authorities which issued Ex.P-1.

6. The impugned order of the learned single Judge reflects due application of mind to the requisite facts of the case to decide on the application for interim relief. We also see that the balance of convenience is not in favour of permitting the meeting to continue by vacating the interim order issued by the learned single Judge. That will result in irreversible consequences, more particularly, if a motion for 'No Confidence' is to be considered even without following due process.

7. Though we do not propose to go deeper into the origin and genesis of the decision of the Joint Registrar / District Co-operative Officer, Hyderabad, as well as its detailed contents, the fact of the matter remains that, in passing the impugned interim order, the learned single Judge had duly applied his mind to the relevant facts and factors, as well

as the contents of that communication and has taken the view that the meeting as proposed in Ex.P-1 needs to stand suspended as an interim measure during the pendency of the writ petition.

8. For the aforesaid reasons, we do not find any ground to interfere with the order impugned in the writ appeal. Hence, while granting leave to appeal, the Writ Appeal is dismissed clarifying that it will be open to the learned single Judge to pass final orders on the writ petition or to mould any other relief even on the basis of interlocutory application as the situation may warrant after the parties place their pleadings on record. Notwithstanding what we have stated hereinabove to refuse interference through an *intra* Court appeal in terms of Letters Patent, we leave it open to the learned single Judge to consider any application of the contesting respondent or any other person seeking modification of the order impugned in this writ appeal. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Appeal stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

SMT. T. RAJANI

September 20, 2018.
PV